



State of Connecticut
DIVISION OF CRIMINAL JUSTICE

**Testimony of the Division of Criminal Justice
Joint Committee on Judiciary
March 12, 2012**

In Opposition to:

**S.B. No. 244: An Act Concerning the Enhanced Penalty for the Sale or Possession of
Drugs Near Schools, Day Care Centers and Public Housing Projects**

The Division of Criminal Justice opposes S.B. No. 244, An Act Concerning the Enhanced Penalty for the Sale or Possession of Drugs Near Schools, Day Care Centers and Public Housing Projects, and would respectfully recommend the Committee take NO ACTION on this bill.

S.B. No. 244 would sharply restrict the enhanced penalty that is now allowed for drug trafficking and possession in the vicinity of facilities that serve children and public housing projects, but only in communities with a population of more than 60,000. The bill would drastically reduce -- from a 1,500 foot radius to a 200 foot radius -- the area surrounding such facilities where the enhanced penalty applies. The obvious and immediate question is why the children living in the dozen or so communities that meet this population threshold today deserve less protection than those living in the 150-plus other municipalities in the state.

There is also the question of how the 60,000 population threshold was set. For example, according to the 2010 Census, the enhanced penalty would no longer be in effect in Meriden, population 60,868, but it would apply in Fairfield, population 59,404. The figure appears to be completely arbitrary. Further, the bill would be difficult to enforce in that it would require the state to prove what the population of the municipality was on the date the offense was committed.

Additionally, the bill would eliminate the enhanced penalty for narcotics trafficking and possession near a school in these communities after school hours. The enhanced penalty would remain while the child is in school, but not apply should someone attempt to sell drugs to a child walking home from school after the closing bell has rung.

The enhanced penalties were put in place to protect the public safety and in particular to protect the children who attend schools, day care centers and/or who live in public housing projects. This bill leaves several important questions unanswered. The Division of Criminal Justice respectfully recommends the Committee take no action.